

ALASKA DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF HEALTH CARE SERVICES

**BACKGROUND CHECK PROGRAM INTERIM APPLICATION PROCESS
FREQUENTLY ASKED QUESTIONS**

1. Have background check application processing times increased since the cyberattack?

Immediately following the cyberattack, providers were notified that processing of complete applications could take up to 15 days, depending on circumstances. Since that time, all applications have been processed in less than 15 days, and most have been processed within 5 – 7 days. Timeframes change as the number of applications received fluctuates.

2. Why was my request for an expedited determination denied?

We understand that the post-cyberattack manual process is a hardship on providers, and the Background Check Program (BCP) will revert to NABCS online processing when access is fully restored. To ensure that all applications are treated impartially, BCP staff process *complete* applications in the order in which they are received. BCP staff do not have the authority to prioritize one application over others.

3. Should we use overnight shipping to submit background check applications?

Complete applications are processed in the order in which they are received. It is up to the submitter to determine which shipping methods and associated costs are the most appropriate for their needs.

4. Why are fingerprints no longer waived?

Fingerprint requirements were waived by the Governor, under his authority to waive state statutes and regulations during the COVID-19 state disaster declaration (DD). Because the state disaster declaration has expired, neither the Governor nor the Department of Health and Social Services has the authority to continue to waive fingerprint or other requirements.

5. If we are rehiring an individual within 90 days of their last employment with us, can we use the previous approval letter that we have on file from the original hiring process?

No. New hires, irrespective of previous employment or length of separation, require a background check.

6. When will the state get the process back online?

On August 4, 2021, the Department of Health and Social Services issued a [press release](#) and [FAQs](#) regarding progress of restoring services that were disrupted as a result of the May cyberattack. The Division of Health Care Services is not involved in the restoration of online services and has no control over the timeline.

7. Would you please prioritize provisional clearances for new hired employees?

See response to question #2.

8. Can current employee renewals be extended?

The Department of Health and Social Services (DHSS) does not have the regulatory authority to extend a clearance beyond its 5-year lifespan. However, 7 AAC 10.920(b) does allow the extension of a current

employee's provisional clearance past the 90-day limit when the delay is necessary because of circumstances beyond the control of the department or applicant. DHSS will extend provisionals until NABCS is restored and the applicant receives a final clearance.

9. Is the Department of Health and Social Services aware that providers are using mandatory overtime to ensure coverage? This is creating a hardship on providers and increases the possibility of losing more staff.

The Division of Health Care Services understands and shares your concerns and frustrations and is making every effort to keep processing times to a minimum. See response to question #1.

10. Can you issue a waiver so that we can start a new employee prior to receiving their provisional clearance, if we ensure that they are not left alone with a resident?

No. The Division of Health Care Services does not have the regulatory authority to waive current requirements.

11. Is the Department of Health and Social Services aware that there are long waits for providers to receive provisionals, often 2 – 3 weeks? This results in staffing shortages, increases overtime costs, and increases likelihood of resident falls, medication errors, and hospital visits.

The Division of Health Care Services understands and shares your concerns and frustrations and is making every effort to keep processing times to a minimum. Please refer to the response to question #1.

12. Why are we going back to the way things used to be when any of our homes can experience an outbreak and be devastated having to recruit and wait approximately 3 weeks for reinforcements.

We believe you are referring to fingerprint requirements. If so, please refer to the response to question #4. If this does not answer your question, please resubmit it with more details.

13. Can third party federal background checks be used?

No. The Division of Health Care Services does not have the regulatory authority to authorize 3rd party vendor clearances.

14. What is the mission statement of the BCU?

The purpose of the Background Check Unit is to process background checks in accordance with 7 AAC 10.900 - 7 AAC 10.990 for those whose employment requires a background check.

15. Are fingerprints now required for renewal with the application and payment?

Yes. See response to question #4.

16. We have been waiting for months for a provisional on two employees, and the situation is desperate. When will these applications be processed?

The Division of Health Care Services has no record of the processing of any *complete* applications taking more than 15 days. Please see response to question #1 for more information.

17. A potential employee's background check indicated a prior incident and we received notice that further review needed. Who do I need to contact? When will this review be completed?

If the notice you received indicated only that further review is needed, there is nothing more that you need to do. Background program staff will notify you if/when more information is needed from the employer or applicant and will notify you once the review has been completed.

18. How do I know when background checks are due on current employees? I relied on the NABCS roster to let me know and now I am not sure what to do.

Providers are required to maintain records necessary to meet all applicable regulatory requirements, including background check requirements. For example, in the event of an inspection, a provider must be able to proof of background check clearances for employees. Those same records can be used to identify when an employee's background check is nearing expiration. An employer can use their most recently saved or printed copy of a NABCS roster report to identify when employees will require new background checks. These reports are described in the [New Alaska Background Check System provider manual](#) that each user received when their NABCS account was created.

19. Is the Department of Health and Social Services making any efforts to move to digital fingerprints like those used in other states?

The Department of Health and Social Services makes decisions based on fingerprints and other information received but does not determine how fingerprints are transmitted. The Department of Public Safety determines the available modes of fingerprinting.

20. When a background check provisional clearance is dependent upon information from another agency, despite sending in a complete packet and fee, how can that process be sped up?

When requesting information from other agencies, the Background Check Program conveys the urgency but ultimately has no control over the speed in which other agencies provide information.

21. We heard that ASHNHA members are allowed to use assignation and a third-party company a month or so ago. Can all providers use this option?

On August 10, 2021, the Department of Health and Social Services implemented a temporary provisional and partial waiver process for Alaska State Hospital and Nursing Home (ASHNHA) member facilities with internal background checks meeting the standards for persons who are licensed to practice under Title 08. Although this provision is not available to other providers, the new ASHNHA process will enable background program staff to devote their entire attention to processing applications for non-licensed applicants and is expected to further reduce processing time.

22. We need to remove someone from NABCS. How do we do that while it is unavailable?

Currently there is no access to NABCS to make changes to user accounts, provider accounts, or rosters. Please maintain a record of these changes. Once NABCS is restored you can make changes to your roster. NABCS will allow for separation dates to be backdated.

23. Can we use a current provisional clearance from another employer so that we can hire an applicant?

No. The Division of Health Care Services does not have the regulatory authority to authorize use of a provisional clearance by multiple employers.

24. A faster turnaround time is needed for background check applications. What other options, e.g., third-party vendors, has the Department of Health and Services considered?

We understand and shares your concerns and frustrations and are making every effort to keep processing times to a minimum (please see response to question #1). At this time the Background Check process is being managed manually, i.e., without NABCS. When NABCS is restored, we expect to quickly return to previous service levels and timelines. The Department of Health and Social Service has exercised all options within its regulatory authority.

This document will be updated as new questions are received or as new information becomes available.